IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

LA.App..No. 679 of 2001(D)

LAR.560/1997 OF PRL.SUB COURT, KOZHIKODE.
.....

APPELLANT/CLAIMANT:

M. CHANDRAN, S/O. APPU,
RESIDING AT CHANDRA NIVAS,
FLORICAN ROAD,
KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN,
ADV. SRI.P.A.HARISH.

RESPONDENT/RESPONDENT:

THE SPECIAL TAHSILDAR (L.A),
N.H. NO. II,
KOZHIKODE.

BY GOVT. PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 22/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.679 of 2001-D

Dated: October 22, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed by the claimant against the judgment and decree in LAR No.560/1997 on the file of the Sub Court, Kozhikode. The acquisition is for the Calicut Bye-pass. The property is in Vengeri village.The Reference Court fixed the land value at Rs.10,000/- per cent. Inviting reference to the award in LA.R.Nos.449/1997 and 25/1998, it is submitted that in respect of the adjacent property, the Reference Court has fixed the land value at Rs.25,000/- per cent. The advocate commissioner reported the land value between Rs.23,000/- and Rs.24,000/- per cent. Be that as it may, as far as LAR No.449/1997 is concerned, the value fixed at Rs.25,000/- has become final in LAA No.976/2001. In the appeal the claimant has limited the claim to Rs.23,000/- per cent for the purpose of court-fee. Therefore, the appeal is allowed. The claimant shall be entitled to have the land value fixed at Rs.23,000/- per cent along with the statutory benefits. The amount already paid will be adjusted.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. No.679 of 2001-D

JUDGMENT

22.10.2007